### **BOARD OF ADJUSTMENT**

# Zoning Administration Division Development Services Department (DSD) 201 North Stone Avenue, Tucson, Arizona 85701

#### \*\*\* NOTICE OF DECISIONS \*\*\*

DATE OF PUBLIC HEARING February 27, 2008

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J)&(K).

CASE NO.

THE APPLICANT

## C10-08-01 SWAN LEE OFFICES/K. AND M. LIPPERT, 4621-4627 EAST LEE STREET, O-1 AUTHORIZED

The applicants' property is a 3.1 acre parcel with seventeen (17) lots located on the northwest corner of east Lee Street and north Swan Road and is zoned O-1 (Authorized) "Office". The applicants propose an Administrative Professional and Outpatient Medical office complex comprised of seventeen (17) office spaces, each on its own lot with shared parking, loading and common areas. The proposed development requires compliance with all Tucson Land Use Code (LUC) criteria applicable to new construction. LUC Sections applicable to the project include, in part, the following: Section 2.4.1 which provides the criteria for office development within the "O-1" office zone, Section 3.4.1 which provides the design criteria for off-street loading, and Section 3.7.2 which provides the screening requirements for the proposed use. The applicants are requesting the following variances: 1) Delete the five (5') foot high screen wall required along the northern project boundary adjacent to the residentially zoned portion of the abutting commercial development's parking lot; and, 2) Reduce the size of the four (4) required loading spaces from twelve (12') feet wide by thirty-five (35') feet long to ten (10') wide by eighteen (18') feet long, as shown on the submitted plans.

## <u>DECISION</u>: VARIANCES 1 AND 2 GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A. Provide acceptable pedestrian access from the loading zone to the north side of the project.
- B. Along the entire north boundary, increase the total number of shrubs by forty (40%) percent with the addition of evergreen drought tolerant shrubs that will grow to five (5') feet high.

By LUC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

#### **IMPORTANT NOTICE**

FOR VARIANCES OR DESIGN DEVELOPMENT OPTIONS (DDO) GRANTED BY THE ACTIONS OF THIS BOARD: IF A BUILDING PERMIT IS REQUIRED FOR THE PROJECT ASSOCIATED WITH THE VARIANCE OR DDO, IT MUST BE SECURED FROM THE DEVELOPMENT SERVICES DEPARTMENT (DSD) WITHIN 180 DAYS OF THE HEARING DATE.

VARIANCE AND DDO APPROVALS EXPIRE WITHIN 180 CALENDAR DAYS FROM THE DATE OF THIS MEETING. TWO ADDITIONAL (180 DAY) EXTENSIONS MAY BE GRANTED PROVIDED THERE IS GOOD CAUSE AND THE REQUEST IS MADE IN WRITING.

<u>UNLESS OTHERWISE NOTED</u>, BOARD OF ADJUSTMENT DECISIONS BECOME EFFECTUATED UPON OBTAINING BUILDING PERMITS (IF REQUIRED) AND FULL COMPLIANCE WITH ALL CONDITIONS OF THE BOARD' DECISION.

THE 180 DAY TIME FRAME TO OBTAIN A BUILDING PERMIT DOES NOT APPLY WHEN THERE IS AN OUTSTANDING ZONING VIOLATION WHICH PRECIPITATED THE VARIANCE OR DDO REQUEST FOR THE PROPERTY. THE APPLICANT OR PROPERTY OWNER MUST CONTACT THE DEPARTMENT OF NEIGHBORHOOD RESOURCES FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.

If you want further information, please call Russlyn Wells at 837-4948 or Wayne Bogdan at 837-4946.

Connie Munguia, Secretary Board of Adjustment

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